



STATE OF WISCONSIN Assembly Journal

Ninety-Ninth Regular Session

1:41 P.M.

TUESDAY, September 15, 2009

The Assembly met in the Assembly Chamber located in the State Capitol.

Speaker Pro Tempore Staskunas in the chair.

The Assembly dispensed with the call of the roll.

AMENDMENTS OFFERED

Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 256** offered by Representative Wood.

Assembly substitute amendment 2 to **Assembly Bill 256** offered by Representative Soletski.

Assembly substitute amendment 1 to **Assembly Bill 304** offered by Representative Soletski.

Assembly substitute amendment 1 to **Assembly Bill 405** offered by Representative Roys.

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 09-032

Relating to continuing education for land surveyors.
Submitted by Department of Regulation and Licensing.
Report received from Agency, September 3, 2009.
To committee on **Labor**.
Referred on September 14, 2009.

Assembly Clearinghouse Rule 09-058

Relating to safety belt medical use exemption.
Submitted by Department of Transportation.
Report received from Agency, September 10, 2009.
To committee on **Transportation**.
Referred on September 14, 2009.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 70

Relating to: proclaiming September 18, 19, and 20, 2009, as *Gemueticlichkeit* Days.

By Representative Jorgensen.
To committee on **Rules**.

Assembly Joint Resolution 71

Relating to: the H1N1 virus and its impact on Wisconsin.
By Representatives Garthwaite, Vruwink, Barca, Benedict, Brooks, Fields, Hilgenberg, Hintz, A. Ott and Ripp; cosponsored by Senators Vinehout and Schultz.
To committee on **Rules**.

Assembly Bill 421

Relating to: Indian child welfare.
By Representatives Hraychuck, Sherman, Grigsby, Roys, Pasch, Young, Berceau, Sinicki, Pope-Roberts, Seidel, Turner, Benedict, Hilgenberg, Shilling, Hubler, Clark, Mason, Nelson, Radcliffe, Soletski, Vruwink, Sheridan, Smith, Mursau, Roth, Kleefisch, Friske, Tauchen, Huebsch, Vos, Brooks and Ripp; cosponsored by Senators Jauch, Holperin, Vinehout, Coggs, Taylor, Lassa, Kreitlow, Lehman, Hansen, Robson, Risser, Plale, Erpenbach, S. Fitzgerald, Grothman, Olsen and Hopper.

To committee on **Children and Families**.

COMMITTEE REPORTS

The committee on **Transportation** reports and recommends:

Assembly Bill 325

Relating to: notice of proposed vacation of certain highways.

Passage:

Ayes: 11 – Representatives Steinbrink, Zigmunt, Vruwink, Garthwaite, Fields, Bernard Schaber, Sinicki, Petrowski, A. Ott, Bies and Ripp.

Noes: 0.

To committee on **Rules**.

JOHN STEINBRINK

Chairperson

Committee on Transportation

MESSAGE FROM THE SENATE

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Adopted and asks concurrence in:

Senate Joint Resolution 43

ACTION ON THE SENATE MESSAGE

Senate Joint Resolution 43

Relating to: the life and public service of Linda Farley.

By Senators Erpenbach, Miller, Holperin, Carpenter, Vinehout, A. Lasee, Risser, Taylor, Lehman and Hansen; cosponsored by Representatives Pope–Roberts, Berceau, Kessler, Hintz, Sinicki, Hebl, Milroy, Black, Vruwink, Roys, Pasch, Benedict, Hilgenberg, Steinbrink, Cullen, Turner, Richards, Bernard Schaber, Mason, Pocan, Jorgensen and Townsend.

To **calendar**.

SPEAKER'S APPOINTMENTS

September 14, 2009

Patrick Fuller
Assembly Chief Clerk
17 West Main Street, Suite 401
Madison, WI 53703

Dear Chief Clerk Fuller:

I am appointing Representative Jim Ott to the Elections and Campaign Reform Committee to replace Representative Roger Roth during his military deployment.

This appointment is effective immediately.

Sincerely,
MICHAEL J. SHERIDAN
Assembly Speaker

September 15, 2009

Patrick Fuller
Assembly Chief Clerk
17 West Main Street, Suite 401
Madison, WI 53703

Dear Chief Clerk Fuller:

I am appointing Representative Kitty Rhoades to the Rules Committee and the Assembly Organization Committee to replace Representative Scott Suder during his military deployment.

This appointment is effective immediately.

Sincerely,
MICHAEL J. SHERIDAN
Assembly Speaker

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Administration
Madison

September 11, 2009

To the Honorable, the Legislature:

As required by s. 14.065, Wis. Stats., and on behalf of Governor Doyle, I am transmitting a recommended Stripper XXII Oil Overcharge Plan, and requesting the Joint Committee on Finance to consider this Plan at its next s. 13.10 Wis. Stats., meeting.

The Plan proposes an allocation of \$602,907.78, which includes \$52,899.22 of Stripper XXI unapproved funds plus all accrued and future accruing interest, \$300,000 of Stripper XXI inactive funds, the reallocation of \$15,386.22 of prior year monies, and the reallocation of \$234,622.34 of Exxon monies. The Plan proposes funding designed to leverage and coordinate Wisconsin's federal awards directed at clean and renewable energy research development.

I appreciate your support in helping Wisconsin increase energy efficiency and the use of renewable energies. If you have any questions regarding the Plan or require additional information, please contact Judy Ziewacz, Director of Wisconsin's Office of Energy Independence, at 261-0607.

Sincerely,
MICHAEL L. MORGAN
Secretary

Referred to committee on **Energy and Utilities**.

State of Wisconsin
Department of Health Services
Madison

September 14, 2009

To the Honorable, the Legislature:

[1997 Wisconsin Act 27](#) directs the Department of Health Services to submit an annual report to the Joint Committee on Finance on the previous fiscal year's utilization of nursing home beds by Medical Assistance (MA) recipients and also requires a discussion and projection of current fiscal year MA expenditures and likely balances. Section [49.45 \(6v\)\(c\)](#) of the statutes requires that if the report shows a decrease in bed utilization by MA recipients at a rate greater than assumed in the budget, then the Department must propose a transfer of funds associated with that decrease from the MA budget to the Community Options Program (COP). However, statutes prohibit the Department from proposing a transfer that would create a deficit in the current year or biennial appropriation.

The number of nursing home patient days budgeted for FY09 in [2007 Act 20](#), the 07-09 Budget Bill, was 6,283,416. In FY09, MA recipients utilized 6,680,034 nursing home patient days, 396,618 days more than budgeted (Table 1). An analysis of patient days by level of care and the average daily cost for each care level indicates that actual expenses exceeded projections by approximately \$43,583,300 AF (\$15,328,200 GPR). Because of the higher than budgeted utilization of MA nursing home services, there is no surplus of nursing home funds to transfer to the Community Options Program appropriation.

Thank you for your attention to this report.

Sincerely,
KAREN E. TIMBERLAKE
Secretary

Referred to committee on **Aging and Long Term Care.**

State of Wisconsin
Department of Natural Resources
Madison

September 15, 2009

To the Honorable, the Legislature:

We at the Department of Natural Resources are pleased to

provide you with a copy of our annual Wisconsin Environmental Policy Act (WEPA) report. In fulfillment of Section [1.11 \(2\)\(j\)](#) of the state statutes, this document provides information on the numbers of environmental assessments (EAs) and environmental impact statements (EISs) completed by the Department in the past fiscal year.

Questions about the report can be directed to me at 6-0426.

Sincerely,
JAMES D. PARDEE
Wisconsin Environmental Policy Act
Coordinator

Referred to committee on **Natural Resources.**

ADJOURNMENT

Representative Nelson moved that the Assembly stand adjourned until 12:00 P.M. on Wednesday, September 16.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

1:42 P.M.